

**ALLEGED SHIPMENT:** On or about January 20 and March 10, 1943, from the State of Texas into the States of California and Pennsylvania.

**PRODUCT:** Examination disclosed that the *Prescription 1-VV-1* contained sodium bicarbonate flavored with anise. The *Extract of Cod Liver* was a thick malt extract containing a small amount of fish oil or extractive and a small quantity of mineral matter including iron and phosphorus; it contained less than 1 U. S. P. unit of vitamin B<sub>1</sub> per gram and 4.6 micrograms of riboflavin (vitamin G) per milliliter.

**NATURE OF CHARGE:** *Prescription 1-VV-1*, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of chest colds, coughs, croup, influenza, grippe, flu, pain in the chest, difficult breathing, short, oppressed breathing, stitches in the side, pain in the back between the shoulder blades, hoarseness, loss of voice, sore throat, and bronchitis, with rattling in the windpipe and soreness of the chest, whereas the article would not be efficacious for such purposes; and, Section 502 (e) (2), the label of the article did not bear the common or usual name of the active ingredients.

*Extract of Cod Liver*, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article contained nux vomica; that it was rich in vitamins B and G; that it would be a beneficial tonic for normal growth in the young and normal health in all ages; that it would help to restore low vitality and build up the resistance in the body against infections and colds; that it would give the necessary elements to bone and body building; that it would be efficacious in the treatment of anemic conditions and in the treatment of people affected with lung ailments; and that it would improve the appetite and give strength and tone to the system. The article did not contain nux vomica; it was not rich in vitamins B and G, but contained inconsequential amounts of those vitamins; and it would not be efficacious for the purposes represented.

**DISPOSITION:** On October 24, 1944, the defendant having entered a plea of not guilty, the case came on for trial before a jury. At the conclusion of the trial, the jury returned a verdict of guilty, and on October 25, 1944, the court imposed a fine of \$1,000.

**1580. Misbranding of Todd's Capsules. U. S. v. J. E. Todd, Inc. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 12537. Sample Nos. 21830-F, 34113-F.)**

**INFORMATION FILED:** August 21, 1944, Western District of New York, against J. E. Todd, Inc., Kenmore (Buffalo), N. Y.

**ALLEGED SHIPMENT:** On or about March 26 and June 11, 1943, from the State of New York into the State of Pennsylvania.

**PRODUCT:** Analyses of samples disclosed that the product consisted essentially of sand, carbonates or bicarbonates of calcium, magnesium and sodium, and an odorous resinous material.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "This Folder May Prove a Message of Joy" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of rheumatism, arthritis, and neuritis, whereas the article would not be efficacious for those purposes.

**DISPOSITION:** June 11, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$125 on each of the two counts in the information.

**1581. Misbranding of Munyon's Paw Paw Tonic. U. S. v. Phoenix Preparations and Clarence P. Wynne. Plea of guilty on behalf of the firm; plea of nolo contendere by the individual. Fine of \$250 against the firm; individual defendant given 6 months' suspended sentence and placed on probation for 1 year. (F. D. C. No. 14223. Sample No. 52843-F.)**

**INFORMATION FILED:** April 11, 1945, Middle District of Pennsylvania, against Phoenix Preparations, a business association, Scranton, Pa., and Clarence P. Wynne, secretary-treasurer of the association.

**ALLEGED SHIPMENT:** On or about July 30, 1943, from the State of Pennsylvania into the State of Virginia.